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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) No. CR-12-0467 RS
17 Plaintiff,)
18 v.) STIPULATION AND [PROPOSED]
19 ALIK D. ILYIN,) PROTECTIVE ORDER REGARDING
20 Defendant.) PRODUCTION OF CONFIDENTIAL
21) DISCOVERY

22 Plaintiff, by and through its attorney of record, and the defendant, by and through his
23 attorney of record, hereby stipulate and ask the Court to find as follows:

24 1. A federal grand jury has returned a superseding indictment charging the defendant
25 with Distribution of Methamphetamine, in violation of 21 U.S.C. § 841(a)(1); Possession of
26 Methamphetamine with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1); Distribution of
27 Methamphetamine within 1,000 feet of a school, in violation of 21 U.S.C. § 860(a); and
28 Possession of Methamphetamine with Intent to Distribute within 1,000 feet of a school, in

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1 violation of 21 U.S.C. § 860(a).

2 2. The government believes that the proposed protective order is necessary to
3 preclude some discovery materials, which may contain the identities of potential witnesses and/or
4 cooperating witnesses or information from which those identities may be discovered, from being
5 disseminated among members of the public and to the defendant. Specifically, the government
6 believes that the proposed protective order will greatly reduce the possibility that individuals will
7 misuse discovery materials to identify, intimidate, and/or harm witnesses and/or defendants.

8 3. Defendant and his defense counsel deny that any person would be endangered by
9 the defendant's possession of any discovery material in this matter. The parties agree that no
10 inference should be drawn about the defendant's dangerousness because of his agreement to
11 enter into this stipulation and be subject to the protective order.

12 4. The parties agree that the following conditions, if ordered by the Court, should
13 serve the government's interest in protecting witnesses, defendants, and other members of the
14 community and reduce the risk of retribution against cooperating witnesses by precluding the
15 circulation of these documents and digital media (e.g., CD-ROMs, DVDs, and digital
16 photographs) throughout the prison system and the community, while permitting the defense to
17 obtain discovery required by Federal Rule of Criminal Procedure 16 and the United States
18 Constitution. Accordingly, the parties jointly request that the Court order as follows:

19 a. For purposes of this Order, the term "defense team" refers to: (1) the
20 counsel of record for the defendant; (2) defense investigators assisting the defense team with this
21 case; (3) employees of the defense team's law office; and (4) any expert witnesses who may be
22 retained or appointed by the defense team. For purposes of this Order, a term "defense team"
23 does not include the defendant.

24 b. The government is authorized to provide the defense team with discovery
25 required by F.R.Cr.P. 16 and may, in its discretion, designate any discovery produced as
26 "Confidential Discovery" to be governed by the terms of this protective order. The government
27 may designate discovery as confidential by marking such discovery as "CONFIDENTIAL" and
28

1 shall produce such discovery on a document, CD, or DVD marked "WARNING: CONTENTS
2 SUBJECT TO PROTECTIVE ORDER. UNAUTHORIZED COPYING OR VIEWING IS
3 SUBJECT TO PUNISHMENT AS CONTEMPT OF COURT."

4 c. The defense team shall not permit anyone, including the defendant, to have
5 possession of Confidential Discovery pursuant to this Order other than the defense team.

6 d. The defense team shall not divulge the contents of any Confidential
7 Discovery provided pursuant to this Order to anyone other than the defendant. A defense team
8 member may show Confidential Discovery to the defendant only in the physical presence of a
9 defense team member, and may not permit the defendant to have physical possession of the
10 Confidential Discovery.

11 e. The defense team shall not permit Confidential Discovery provided
12 pursuant to this Order to be outside of the defense team's offices, homes, vehicles, or personal
13 control. The defense team may take Confidential Discovery into a custodial facility to show it to
14 the defendant, but, as explained above, the defense team must maintain physical possession of
15 the Confidential Discovery and may not allow the defendant to have physical possession of the
16 Confidential Discovery.

17 f. In the event that one of the parties files a pleading that references or
18 contains Confidential Discovery or information therefrom, that filing must be made under seal.

19 g. The defense team shall return all Confidential Discovery provided
20 pursuant to this Order to the government fourteen calendar days after any one of the following
21 events, whichever occurs latest in time: dismissal of all charges against the defendant; the
22 defendant's acquittal by court or jury; the conclusion of any direct appeal; the expiration of the
23 time period for filing a motion pursuant to 28 U.S.C. § 2255; or the district court's ruling on any
24 motion filed pursuant to 28 U.S.C. § 2255. In the event that the defense team has made notes or
25 marks on the Confidential Discovery constituting work product the defense team shall return the
26 materials to the government in a sealed container labeled "WORK PRODUCT-DESTROY."

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1 h. After return of the materials, the government may destroy the Confidential
2 Discovery.

3 IT IS SO STIPULATED.

5 DATED: August 30, 2012

Respectfully submitted,

6 MELINDA HAAG
7 United States Attorney

8 /s/

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DAMALI A. TAYLOR
10 Assistant United States Attorney

12 DATED: August 30, 2012

13 /s/

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LIDIA STIGLICH
15 Counsel For Defendant ALIK ILYIN

16 **[PROPOSED] ORDER**

17 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED: The government is hereby
18 authorized, pursuant to Federal Rule of Criminal Procedure 16, to disclose discovery to the
19 defense team and may designate discovery to be governed by this protective order as Confidential
20 Discovery. The parties are hereby ordered to comply with the conditions set forth in paragraphs
21 4(a)-(h) of this stipulation and order pursuant to Federal Rule of Criminal Procedure 16(d)(1).

23 DATED: 8/30/12

24 
25 HON. RICHARD SEEBOH
26 UNITED STATES DISTRICT JUDGE

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